THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2428 OF 2006

Dated: 10-02-2006

Between

Mrs. Karnam Venkat Rao,

W/o. Late Capt. A.C. Venkat Rao,

R/o. 6-1-120/7, Padmarao Nagar,

Secunderabad.

…PETITIONER

AND

The Municipal Corporation of Hyderabad,

rep. by the Commissioner, Town Planning

Section, Secunderabad Zone, Hyderabad

District.

…RESPONDENT

ORDER:

Learned counsel for the petitioner submits that the petitioner is the owner of the premises bearing No.9-1-87, St. John's Street and Sarojini Devi Road, Secunderabad, admeasuring 1,010 Sq. yards by virtue of gift deed dated 23.06.1996 executed by her father late C.P. Thanushkoty, who expired in 1966. He further submits that for the purpose of widening of the Sarojini Devi Road, an extent of 250 Sq. yards portion of the said premises was taken away in 1981 by the authorities without paying any compensation. He further submits that

for further widening of the road a notice dated 26.07.2004 was issued in the name of Mr. Pradeep Venkata Rao, son of the petitioner, stating that road widening proposals have been taken for the free flow of traffic and accordingly he was informed to exercise his consent to hand over the advance possession of the affected area to an extent of 289.30 Sq. yards. Pursuant to the said notice the petitioner got issued a legal notice dated 08.07.2005 through her counsel objecting to hand over the said area on the ground that the notice was not issued to the petitioner but it was issued to her son and for the land acquired previously no compensation has been paid and the said notice is not bonafide as it is issued only to her without taking same action against others.

I am not inclined to express any opinion on the said legal notice as it is for the petitioner to agree either under Section 146 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act') or object for the said acquisition so as to enable the respondents to take appropriate action for acquiring the said land under Section 147 of the Act.

Having regard to the facts and circumstances of the case,
the respondent is directed not to dispossess the petitioner from any portion of her property without following due procedure prescribed in law under Sections 146 or 147 of the Act.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 10, 2006

DSK